

REMARKS

Status Summary

In this Amendment, claims 25 and 26 are added, and no claims are canceled. Therefore, upon entry of this Amendment, claims 1-26 will remain pending. A Request for Continued Examination is being filed concurrently herewith.

Telephone Examiner Interview

Applicants greatly appreciate the Telephone Examiner Interview granted them on October 11, 2005. In the Telephone Examiner Interview, it was agreed that the specification supports the claim language "the mobile identification number (MIN) of the originating handset." Applicants also point out that neither Irtan nor Lorello disclose performing a lookup in an address translation database using a MIN of an originating handset extracted from the MAP portion of an SMS message. Applicants agreed to file a Request for Continued Examination and a Terminal Disclaimer.

Claim Objections

Claim 24 was objected to as containing informalities. Claim 24 has been amended as requested. Accordingly, it is respectfully submitted that the objection to claim 24 should now be withdrawn

Double Patenting

Claim 23 was rejected under the judicially created doctrine of obviousness type double patenting. A terminal disclaimer is being filed concurrently herewith.

Accordingly, it is respectfully submitted that the rejection of claim 23 should now be withdrawn.

Claim Rejections 35 U.S.C. § 112

Claims 1-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, it was indicated that specification failed to provide support for the amended claim limitation of “extracting an originating mobile identification number from the MAP part of the message,” or “performing a lookup in an address translation database using the originating mobile identification number.” This rejection is respectfully traversed.

In the Amendment filed on December 22, 2004, Applicants amended the claims to recite that the originating mobile identification number extracted from the MAP portion of the message was used to perform the lookup in the address translation database. In the Remarks, Applicants directed the Examiner to page 38, lines 7-14 of the present specification as providing support for the claim amendments. Page 38, lines 7-14 of the present specification state as follows:

The short message service message includes a mobile application part (MAP) including the mobile identification number of originating handset 128. The short message service message may also include the entity address of the SMSC that was originally programmed into handset 128. However, rather than using the entity address, which is stored in the SCCP portion of the message, flexible routing node 402 uses the MIN in the MAP portion of the message to decide whether to route the message to SMSC A 506 or SMSC B 508.

From this passage, the mobile identification number (MIN) of the originating handset is used to determine the destination SMSC. The first sentence in the passage indicates

that the received short message includes a MAP portion with a MIN of an origination handset. The last sentence in the passage indicates that the MIN in the MAP portion is used to determine the SMSC. “The MIN in the MAP portion” in the last sentence refers to “the MIN of the originating handset” in the first sentence. Also, it is respectfully submitted that a person of ordinary skill in the art would have understood the claim term “originating MIN” as being supported by “the MIN of the originating handset” as recited in the passage quoted above from the specification. Accordingly, it is respectfully submitted that the specification supports the previously amended version of the claims, which recited that the lookup is performed using “an originating MIN.” However, in order to make the claims correspond exactly to the wording of the specification, the term “originating MIN” has been replaced in the claims above with “MIN of the originating handset.” Since the specification provides exact support for this claim element, it is respectfully submitted that the rejection of claims 1-22 as failing to comply with the written description requirement should be withdrawn.

Claim Rejections 35 U.S.C. § 102

Claims 1-12, 14, 15, 18-19, and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,308,075 to Irtan (hereinafter, “Irtan”). This rejection is respectfully traversed.

Independent claims 1 and 9 respectfully recite a method and a flexible routing node where a mobile identification number of an originating handset extracted from a mobile application part of a message is used to locate an address for a short message service center. Using the MIN of the originating handset in the MAP portion rather than

the entity address in the SCCP part of the message provides a potential solution to a problem that occurs due to the hard coding of SMSC entity addresses in mobile handsets. In particular, the mobile identification number of the originating handset is used to locate the SMSC and thereby break the fixed association between handsets and short message service centers.

There is absolutely no disclosure, teaching, or suggestion in Irten of a flexible routing node that translates a MIN of an originating handset extracted from the MAP portion of the message into a short message service center address. According to Irten, the MIN that is used to perform the global title translation is the destination MIN. For example, Irten states:

Otherwise, a global title translation is attempted for MC 10 routing (20i) and if successful, the message will be forwarded to the destination's MC using the destination address and MIN to MC translation. (Emphasis added.) (See column 3, lines 35-39 of Irten.)

From this passage, Irten teaches that the destination MIN is used to perform the translation, because the passage indicates that global title translation is used to locate the destination's home MC. A global title translation to locate the destination's home MC is necessarily performed based on a destination global title address, such as a destination MIN. Similarly, the MIN to MC translation referred to in column 2 of Irten also refers to translation of the destination address. This portion of Irten refers to another publication, Mobile Telecommunications Networking with IS-41. The portion of that publication that relates to routing SMS messages was submitted with Applicant's response to the previous Official Action. On page 299, the publication states:

In this case, the serving system creates a global title address containing the SMS destination parameter value and requests a MIN to MC global title translation. (Emphasis added.)

In this passage, the translation referred to is a global title translation that is based on the destination message center address. There is absolutely no teaching or suggestion of performing a global title translation or any other type of address translation based on the MIN of the originating handset located in the MAP part of a message. Accordingly, it is respectfully submitted that the rejection of claims 1 and 9 and their dependent claims as anticipated by Irten should be withdrawn.

Claim 13 is rejected under 35 U.S.C. § 103(a) as unpatentable over Irten. This rejection is respectfully traversed.

Claim 13 depends from claim 9. As stated above, Irten fails to teach or suggest using a mobile identification number of an originating mobile handset extracted from a MAP part of a message to locate a destination address of an SMSC. Accordingly, it is respectfully submitted that claim 13 is patentable over Irten for the same reasons as claim 9.

Claim 17 and 22 were rejected as unpatentable over U.S. Patent No. 6,208,870 to Lorello et al. (hereinafter, "Lorello"). This rejection is respectfully traversed.

Claim 17 depends from claim 1, and claim 22 depends from claim 9. As stated above, independent claims 1 and 9 respectfully recite a method and a flexible routing node for using a mobile identification number of an originating handset extracted from a MAP portion of a message to perform a lookup in an address translation database and locate one of a plurality of SMSCs in a network. There is absolutely no teaching or suggestion in Lorello of using any parameter in a received message, not to mention a

MIN of originating handset stored in a MAP portion of a message, to select among multiple SMSCs. In contrast to selecting an SMSC among multiple SMSCs, Lorello states:

In the disclosed embodiment, the HLR of the SMS network sends a notification, e.g., an SMS notification (SMSNOT) signal, to a predetermined one of a plurality of SMSCs in the SMS network when a subscriber becomes available to receive a pending short message from at least one of the plurality of SMSCs. Each of the plurality of SMSCs in turn delivers short messages to an intended subscriber and then forwards the notification signal to another one of the SMSCs, until all of the SMSCs have delivered their respective pending short messages. (Emphasis Added.) (See Abstract of Lorello.)

From the passage above, rather than locating a single SMSC using a MIN of an originating handset extracted from a MAP portion of a message, Lorello indicates that all SMSCs serving a subscriber are notified when the subscriber becomes available, and they all attempt to deliver the short message. There is absolutely no teaching or suggestion of locating any of the SMSCs using a MIN of an originating handset extracted from the MAP portion of the message. Accordingly, it is respectfully submitted that the rejection of claims 17 and 22 as unpatentable over Lorello should be withdrawn.

Allowable Subject Matter

Claim 24 is allowed. Claim 24 has been amended to correct the informality noted in the Official Action. Accordingly, claim 24 should remain allowed.

New Claims

New dependent claims 25 and 26 are added. Support for claims 25 and 26 is found on page 38, lines 7-14 of the present specification quoted above. Claims 25 and

26 respectfully depend from claims 23 and 24 and are believed to be patentable over the cited references for the same reasons as independent claims 23 and 24 in addition to the additional elements recited therein.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and such action is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

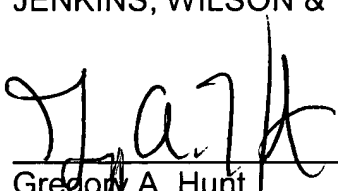
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: October 11, 2005

By: _____


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1322/28/3 CIP GAH/sed

Enclosures